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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,418	10/10/2003	Masayuki Sumi	05905.0174	9609

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EXAMINER	
HSU, RYAN	

ART UNIT	PAPER NUMBER
3714	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/682,418	SUMI ET AL.	
	Examiner	Art Unit	
	Ryan Hsu	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2 and 4-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2 and 4-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

In response to the Request for Continued Examination (RCE) under 37 CFR 1.114 filed on 8/9/07. Claims 2, 4-5, and 7-9 have been amended. Claims 2, 4-5, and 7-9 are pending in the current application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2 and 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satsukawa et al. (US 6,379,249 B1) and Kami et al. (US 5,853,324) and further in view of Farkas' Diablo II: Ultimate Strategy Guide (Copyright 2001).

Regarding claims 1 and 7-9, Satsukawa teaches a computer program product including a computer program causing a computer system to execute processing for determining whether or not bullets that are virtually fired in response to an input operation of a player collide with an enemy-character that is computer controlled, and processing for displaying the enemy character in a virtual space viewed from a virtual viewpoint on a screen, the computer program causing the computer system to execute: a) determining whether or not a visual effect request for requesting visual effect processing is input by a player (*ie: the first player perspective of the virtual game*)(*see Fig. 2 and the related description thereof, col. 7: ln col. 18: ln 55*); (c) displaying circumstances in the virtual space where the enemy-character is located based on a changed time

scale (*ie: elapsed progression in the game*); (d) determining whether or not bullets that are virtually fired in response to an input operation of the player collide with the enemy-character being a shooting target or collide with bullets that are virtually fired from the enemy-character being a shooting target or collide with bullets that are virtually fired from the enemy-character and are shooting targets (*see col. 7: ln 28-65, col. 8: ln 36-60*); (e) displaying an image of the shooting target being shot at one the screen when bullets that are virtually fired responding to an input operation of the player collide with the shooting target (*ie: shoots a locus of bullets when player input is received*) (*see col. 8: ln 24-55*); (f) displaying a remaining time for the computer system to execute the display of circumstances; (g) decreasing the remaining time in proportion to an elapse time in which the computer system executes the displaying of circumstances (*see col. 11: ln 13-col. 12: ln 62*). However, Satsukawa is silent with respect to the specific teaching of a running time limit or remaining time in proportion to the elapsed time to change such things as the display speed of the enemy-character and other attributes of the game.

In an analogous gaming patent, Kami et al. teaches the implementation of a shooting game where an elapsed time reduces in game play that decreases in proportion to an elapsed time in which the computer system executes the displaying of circumstances. Additionally, the system of Kami teaches the determining of whether or not the remaining time is over because the game play is then terminated if the remaining time is over. However, as taught in Kami the remaining time may be restored to a normal value when a certain accomplishment or progression through the game has been reached (*see time limit [380] of Fig. 3 and the related description thereof*). Furthermore, Kami et al. teaches determining whether or not a plurality of bullets that are virtually fired in response to an input operation of the player consecutively collide with the

enemy-character or with bullets that are virtually fired from the enemy-character and increasing the remaining time more when the plurality of bullets that are virtually fired in response to an input operation of the player consecutively collides with bullets that are virtually fired from the enemy-character than when the plurality of bullets that are virtually fired in response to an input operation of the player consecutively collide with neither the enemy-character nor bullets that are virtually fired from the enemy-character (*see time limit [380] of Fig. 3 and the related description thereof, Fig. 8(a-c) and the related description thereof*). One would be motivated to incorporate such features into that of shooting game in order to create another layer of intensity within the game play. It would also require the player to have to effectively accomplish goals in the game while eliminating the enemy player-characters. Therefore it would have been obvious to one of ordinary skill in the art to modify the features taught in Satsukawa with that of Kami in order to create a computer program product that incorporated a time scale element that effected the progression of a video game at the time the invention was made. However, although Satsukawa and Kami allow for a battle game to incorporate different time elements it is silent with respect to stating an ability to change a time scale "such that a display speed of at least the enemy-character and each one of the bullets fired from the enemy-character become slower when the visual effect request is input.

In a related gaming reference, Farkas teaches an analogous game that incorporates an feature called "frost nova" which generates by the input of the user an icy shockwave that spreads out in all directions around a player character and freezes all targets its hits as it travels outwards from its position. As a result of the "frost nova" all of the affected enemy characters are slowed by a set length of time and are damaged in the process of this feature (*see pg. 73*).

Therefore, the feature of a "frost nova" taught by Farkas with reference to Diablo II teaches a changing a time scale such that a display speed of at least the enemy-character and each one of the bullets (*ie: movements*) fired from the enemy-characters become slower when the visual effect request is input (*see pg. 73*). One would be motivated to incorporate such a feature into another shooter/battle game because it would allow the player to gain a selected advantage in being able to eliminate the enemy characters with greater ease in playing the game and produce the expected result of allowing the game to temporarily give an advantage. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the features taught in Farkas with that of the computer program product taught in Satsukawa and Kami.

Regarding claim 2, Satsukawa discloses the computer program product wherein the computer program product causes the computer system to execute whether processing transitions to bullet fire wait status where a bullet is fired from the enemy-character to the player-character within a predetermined time, and if processing transitions to the bullet fire wait status, the computer program causes the computer system to determine whether the player input called for a visual effects request (*see Fig. 24 and the related description thereof, col. 12: ln 32-67*).

Regarding claim 4, Satsukawa disclose a computer program wherein the computer program product causes the computer system to determine whether the mode is a mode where two or more players play, and to update the remaining time so that the increasing amount of the remaining time when it is determined that the mode is a mode where two or more players play (*see col. 9: ln 39-col. 10: ln 30*), becomes different from the increasing amount of the remaining time in a mode where one player plays.

Regarding claim 5, Satsukawa disclose a program product wherein the computer program causes the computer system to determine whether or not the displaying of circumstances with respect to the image display processing and visual effects is being executed and if it is determined that the image display processing with the visual effects is being executed, the computer program causes the computer system to execute image effects processing for changing the display mode visually before and after the image display processing with the visual effects is executed (*see Fig. 2 and the related description thereof, col. 8: ln 23-54*).

Regarding claim 6, Satsukawa disclose wherein the visual effect request input is a control signal, which is output to the computer system when a player steps on a foot pedal connected to the computer system (*see col. 8: ln 23-36*).

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communication from the examiner should be direct to Ryan Hsu whose telephone number is (571)-272-7148. The examiner can normally be reached on M-F 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert E Pezzuto can be reached at (571)-272-6996.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, contact the Electronic Business Center (EBC) at 1-866-217-9197 (toll-free).

RH

August 30, 2007

ROBERT E. PEZZUTO
SUPERVISORY PRIMARY EXAMINER